

**THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**IN ADMIRALTY**

IN THE MATTER OF:

CASE NO.: 8:21-cv-0682-WFJ-AAS

THE COMPLAINT OF MICHAEL H.  
GARY REV. TRUST DTD. 12/23/1996,  
AS OWNER OF A 2014 72' PRINCESS  
MOTOR YACHT *GAVIOTA* (HIN:  
VSC72100J314), ITS ENGINE,  
TACKLE, APPURTENANCES,  
EQUIPMENT, ETC., IN A CAUSE OF  
EXONERATION FROM OR  
LIMITATION OF LIABILITY,

Petitioner.

**ORDER GRANTING PETITIONER'S MOTION FOR ENTRY OF FINAL  
DEFAULT JUDGMENT OF EXONERATION AGAINST ALL  
NON-APPEARING POTENTIAL CLAIMANTS**

This matter is before the Court on Petitioner MICHAEL H. GARY REV. TRUST DTD's, as owner, Motion for Entry of Final Default Judgment of Exoneration Against all Non-Appearing Potential Claimants (the "Motion"). The Court, having reviewed the Motion and the record, and being otherwise duly advised in the premises, **hereby finds as follows:**

1. On March 22, 2021, Petitioner filed a Complaint for Exoneration from or Limitation of Liability pursuant to the Limitation of Liability Act, 46 U.S.C. §§30501–30512, and Supplemental Rule F, for any injuries,


death, damages, or losses of whatever description arising from a January 18, 2021, incident involving the Vessel. Pursuant to Supplemental Rule F(4), the Court issued an Order Approving *Ad Interim* Stipulation and Enter Monition and Injunction [DE 6] on March 23, 2021, ordering that the Notice of Monition be published in accordance with Supplemental Rule F and Local Admiralty Rules and that Petitioners mail a copy of said Notice to every person known to have made any claim against the Petitioners or the Vessel arising out the incident described in the Complaint. Said mailings and public notice of Monition were made and Petitioners' Notice of Compliance and Affidavit of Proof of Publication were filed within Petitioner's Motion to Re-Open Case for Purposes of Obtaining Default Judgment Against All Non-Appearing Potential Claimants and Incorporated Motion for Entry of Clerk's Default [DE 38]. The Monition directed all persons having such claims to file them as provided for in Supplemental Rule F with the Clerk of Court, and serve on or mail to Petitioners' counsel a copy thereof, on or before May 31, 2021.

The claim Manuel Rebecchi made has since been resolved and no claims or answers have been filed in this proceeding. Accordingly, the Clerk entered default against all potential claimants on March 17, 2022. [DE 40]. The deadline to appear

and/or file claims has expired per Supplemental Rule F(5). Based on the foregoing, the Court hereby **ORDERS** and **ADJUDGES** the following:

1. Petitioner's Motion is **GRANTED**.
2. A Judgment of Exoneration by Default is hereby entered against all parties and claimants having an interest in this matter pursuant to Fed. R. Civ. P. 55(b)(2) and Supplemental Rule F(5) for failure to timely file a claim or answer in this action.
3. Petitioner is hereby exonerated from any responsibility, loss, damage, or injury from all claims arising out of the alleged incident involving the vessel on January 18, 2021, as described in the Complaint.

**DONE and ORDERED**, in Chambers, in the United States District Court for the Middle District Court of Florida, Tampa Division, this 17 day of March, 2022.

  
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JUDGE WILLIAM F. JUNG  
UNITED STATES DISTRICT COURT

Copies furnished to:

Counsel of Record